

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

DANA DOEG and KATHERINE  
LOUVARIS on behalf of themselves  
and other person similarly situated

Plaintiffs

VS.

P.C. NO. 99-4058

CHRISTINE FERGUSON, AS  
DIRECTOR OF THE RHODE ISLAND  
DEPARTMENT OF HUMAN SERVICES,  
and THE DEPARTMENT OF HUMAN  
SERVICES

Defendants

**CONSENT ORDER**

The named plaintiffs having sued, and the court having certified a class of plaintiffs consisting of those Food Stamp recipients whom defendants alleged had committed an Intentional Program Violation and who had or were originally scheduled to have hearings in 1999, including a subclass of those who attended their hearings and those who had not, the parties agree the following order may enter:

1. With respect to the subclass of plaintiffs who attended or were represented at their administrative hearings, defendants are permanently enjoined:
  - a. To reinstate the Food Stamp benefits of those persons who were receiving Food Stamps at the time of their disqualification; and
  - b. From continuing the disqualification from the Food Stamp program of the other members of this subclass on the grounds they allegedly committed an Intentional Program Violation;
2. With respect to all class members, defendants are permanently enjoined from attempting to recoup or otherwise collect benefits allegedly paid to the class members as a result of an Intentional Program Violation;
3. With respect to the subclass of plaintiffs who did not attend their administrative hearings and for whom this was either the first or second Intentional Program Violation, injunctive relief is otherwise denied, without prejudice;

4. With respect to all class members for whom this was the third Intentional Program Violation or who have had administrative hearings but for whom defendants have not issued decisions, defendants shall hold new hearings in accordance with the terms of this order.
5. With respect to all future Intentional Program Violation hearings:
  - a. All persons alleged to have committed an Intentional Program Violation shall have at least 30 days between the receipt of notice of an Intentional Program Violation and the hearing on that Intentional Program Violation;
  - b. No finding of an Intentional Program Violation shall be based on hearsay testimony unless such testimony would be admissible in Superior Court.
6. Defendants will pay to plaintiffs an attorney's fee of \$20,000.00.

BY ORDER:

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ENTER:

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PRESENTED BY:

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Thomas W. Lyons                      #2946  
Rhode Island Affiliate  
American Civil Liberties Union  
222 Richmond Street, Suite 208  
Providence, RI 02903

CERTIFICATE OF SERVICE

Brenda Doyle, Esq.  
Department of the Attorney General  
150 South Main Street  
Providence, RI 02903

Jacqueline Kelly, Esq.  
Department of Human Services  
600 New London Avenue  
Cranston, RI 02920

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2005, a copy  
of the within was sent to the above by regular mail, postage prepaid.

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